

REMARKS

After entry of the present amendment, claims 1-12 and 15-20 remain in the application with claims 1 and 16 remaining in independent form. There is full support in the specification as originally filed for the amendments to claim 1 and for new claims 16-20. Accordingly, no new matter has been introduced.

Claims 1-12 and 15 stand rejected under 35 U.S.C. § 102(b) as being anticipated by EP 0,761,708 or under 35 U.S.C. § 102(a) as being anticipated by WO 99/19063 (United States Patent No. 6,323,375 is an equivalent).

The Applicants have amended independent claim 1, precisely as suggested by the Examiner on page 3 of her Office Action, to overcome these rejections. Accordingly, the Applicants respectfully submit that claims 1-12 and 15 are now in condition for allowance.

As for new independent claim 16, this claim requires a catalyst suspension including at least one multimetal cyanide compound, at least one organic complexing agent, water, and at least one surface-active substance. Importantly, the at least one multimetal cyanide compound has a crystalline structure and a content of platelet-shaped particles of at least 30% by weight, based on the multimetal cyanide compound. Furthermore, the content of the must have platelet-shaped particles including primary particles having a length and a width that are at least three times greater than a thickness said primary particles.

The Applicants are well aware of the respective disclosures of EP 0,761,708 and the '375 patent. Although these references disclose at least one multimetal cyanide compound, at least one organic complexing agent, water, and a component that the Examiner considers to be a surface-active substance, they do not disclose, teach, or otherwise suggest the specific multimetal cyanide compound as claimed. That is, these references do not disclose, teach, or otherwise suggest such a specific content of platelet-shaped particles where the primary particles have a length and a width that are at least three times greater than a thickness said primary particles. The Applicants have already emphasized the significance of these dimensions for the primary particles.

On page 3 of her remarks, in discussing the previous rejection, the Examiner comments that "the same claimed components are present and therefore the platelet like

morphology *will be expected to be obtained*" (emphasis added). The Applicants respectfully submit that it is irrelevant what morphology *will be obtained* because this is not what they are claiming. That is, the Applicants are not claiming that, in the end, a platelet like morphology is obtained. Instead, the Applicants are claiming that the particular multimetal cyanide compound that is used in forming the catalyst suspension, must have the claimed structure to begin with and, as discussed above, the two references cited by the Examiner do not disclose or teach this specific structure for the multimetal cyanide compound. Therefore, in a sense, EP 0,761,708 and the '375 patent simply use a different multimetal cyanide compound.

In view of the arguments set forth above relative to new independent claim 16, it is respectfully submitted that the '708 patent application and the '375 patent do not disclose, teach, or suggest each and every positively recited claim element of new independent claim 16. As a result, any §102 rejections of claim 16 relying on these two references would be misplaced and this claim is allowable over the prior art of record. Furthermore, claims 17-20 depend from the novel and unobvious features of claim 16 such that these dependant claims are also allowable.


It is respectfully submitted that the claims, as amended, are now presented in condition for allowance, which allowance is respectfully solicited. Further and favorable reconsideration of the outstanding Office Action is hereby requested.

The Commissioner is authorized to charge our deposit account no. 08-2789 for any additional fees or credit the account for any overpayment.

Respectfully submitted,

HOWARD & HOWARD ATTORNEYS, P.C.

November 12, 2003
Date



David M. LaPrairie, Registration No. 46,295
The Pinehurst Office Center, Suite 101
39400 Woodward Avenue
Bloomfield Hills, MI 48304-5151
(248) 723-0442